

NOTICE

Notice is hereby given that the City Council of the City of Rye (the “City Council”) proposes to adopt a local law which would establish an Interim Floor Area Ratio Moratorium Law as follows:

A local law regulating for an interim period the application for, processing and/or issuance of building permits, certificates of occupancy, and the acceptance and/or approval of applications for site plan, subdivision, special and conditional use permits, certain use and area variances that would allow for the construction, erection, enlargement or alteration of any home in the City of Rye where the anticipated construction, erection, enlargement or alteration would violate the terms of the proposed Floor Area Ratio proposal contained in the subcommittee’s report to City Council (the “proposed F.A.R. Rules”), which law intends to allow the City of Rye to review, amend, and/or modify the City’s requirements for floor area in relation to lot size (the “Floor Area Ratio” or “F.A.R.”), as specified in the Code of the City of Rye Table of Regulations (Art. VIII) and examine potential development in view of current zoning, planning and environmental rules and regulations and developmental and community interests.

I. SHORT TITLE

This local law shall be known and may be cited as the Interim Floor Area Ratio Moratorium Law of 2003 of the City of Rye.

II. LEGISLATIVE INTENT AND FINDINGS OF FACT

- A. Background: The City of Rye, Westchester County, New York, concerned about the growing trend of existing structures being enlarged, expanded or torn down and new, oversized structures, being built in their place, causing a reduction in the lot size to home relationship, intends to review how current F.A.R. requirements are calculated in view of current zoning, planning and environmental rules and regulations and developmental and community interests in order to finalize and review the City’s Floor Area Ratio so as to better effectuate the development, planning and use of said area: in order to develop and maintain a comprehensive plan to promote the most beneficial development of the City, taking into consideration all concerns in light of current zoning, planning and environmental rules and regulations and developmental and community interests. .
- B. Legislative Findings of Fact: The City does hereby find, pending the completion of necessary studies, meetings, hearings and other actions incident to proper consideration and decisions upon possible amendments to the City Zoning Law, and to reflect such planning as has been indicated above, that appropriate measures

must be taken to secure a reasonable interim period to protect the public interest during the considerations cited above.

- C. Legislative Intent: Pursuant to the authority duly vested in it, to preserve its intended objectives and insure implementation of new regulations it may deem necessary, the City Council hereby adopts reasonable protective interim regulations during review of the F.A.R. Rules. This protection of the public interest and welfare includes the prevention of premature, inconsistent or improper development which could prejudice the integrity and objective as set forth above and could result in use which may be inconsistent with and in violation of the intent of said planning.

III. SCOPE OF CONTROLS

- A. This moratorium prohibits the processing, filing, acceptance, and/or approval of any and all applications for a building permit that would violate the proposed F.A.R. Rules.
- B. Notwithstanding the provisions of any other local law or resolution, during the effective period of this moratorium:
 - 1. No application for a building permit or certificate of occupancy shall be processed and/or issued by the Building Inspector for construction on any parcel of property where such construction would violate the terms of the proposed F.A.R. Rules, regardless of the fact that an application therefore has been filed with the Building Inspector prior to the effective date of this law.
 - 2. The Planning Board shall not make a preliminary or final recommendation of a site plan or consider informally or formally any application for construction of property which construction would violate the terms of the proposed F.A.R. Rules, regardless of the fact that such plan or application has been submitted to the Planning Board prior to the effective date of this local law.
 - 3. The Board or Architectural Review shall not make any determinations on applications where the terms would violate the proposed F.A.R. Rules.
 - 4. These restrictions shall not be construed to prohibit or limit repairs or renovations that fall within the thresholds established herein.

5. These restrictions shall apply to actions proposed, initiated or undertaken by any party during the term of this moratorium.
 6. The City Council reserves the right to direct the Building Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law on or after the date of publication of the legal notice establishing the public hearing pertaining to adoption of this local law.
- C. The City Council reserves the right to direct the Building Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law on or after the date of publication of the legal notice establishing the public hearing pertaining to adoption of this local law.

IV. APPEALS/VARIANCES

The City Council will act as hearing officer for any appeals to avoid or minimize any inequities or hardships which may derive from the strict applications of these regulations. Any person, firm or corporation who may be aggrieved by any provision of this local law shall have the right to appeal to the City Council, as follows:

- A. An application shall be submitted in writing setting forth 1) the reasons for the appeal, 2) the specific hardship suffered by the applicant as a result of the implementation of this local law, 3) the manner in which a variance from the provisions of this local law will benefit the health, safety and welfare of the residents of the City, and 4) evidence that the application if permitted to proceed would not be affected by the City's review of the F.A.R. or any legislation relating thereto. The application must contain all materials, including a detailed plan of the development proposed, that would be required for the particular development sought if the application were to be processed in the absence of this moratorium.
- B. Except as otherwise set forth herein, the City Council shall consider said application pursuant to the pertinent portions of the procedure set forth in the City Code of the City of Rye by which the Zoning Board of Appeals hears variance applications as soon as practicable after the application is determined to be complete. Fees shall be those charged for a variance application. The City Council shall have authority, in its legislative discretion, to vary or modify the application of any provision of this local law with respect to the applicant upon its determination either i) that such variance or modification is necessary to alleviate the unusual or

unnecessary hardship proven by the applicant and that such variance or modification is consistent with the protection of the health, safety and welfare of the residents of the City, ii) that the applicant has proven that the development for which relief is sought does not have significant impacts on F.A.R. review, or iii) that the applicant has proven that the development for which relief is sought would not be required to be significantly altered if all the measures discussed in reviewing, amending and/or modifying the City's F.A.R were adopted as legislation. In the event the City Council does not grant an application submitted pursuant to this section within thirty (30) days of receipt, the application shall be deemed denied.

- C. A variance, following approval as outlined in this section, shall expire upon expiration of this moratorium law unless an application for development of the subject property has been submitted and determined complete within that time or a longer time is granted by the approving agency for cause shown. Any complete applications for development once a variance has been granted shall be submitted and processed as provided in the Code of the City of Rye for that type of application as if this moratorium had not been enacted.

V. PENALTIES

Any person, firm, entity or corporation that shall tear down, construct, erect, enlarge or alter any building or structure, in violation of the provision of this local law or shall otherwise violate any of the provisions of this local law shall be subject to such penalties as may otherwise be provided by resolution of the City of Rye for such violation.

VI. VALIDITY

The invalidity of any word, section, clause paragraph, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

VII. REPEAL OF OTHER LAWS

All ordinances or parts of ordinances in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

VIII. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, and shall remain in force for a consecutive period of 90 days from its effective date.

This local law is subject to review and renewal by resolution of the City Council for an additional period of time, effective immediately.

Notice is further given that there will be a public hearing on said proposed local law on _____, 2003, at _____ pm, or as soon thereafter as possible, in the Council Room at City Hall, 1051 Boston Post Road, Rye, New York, at which time persons interested shall have an opportunity to be heard.

BY ORDER OF THE CITY COUNCIL

_____, 2003

City Clerk